

Serial No. 10/720,186
Docket No. YOR920030255US1

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REMARKS

In response to the Notice of Non-compliant Amendment dated December 4, 2006, Applicant hereby resubmits this Corrected Amendment which is fully compliant with 37 CFR 1.121 and 1.4.

An Excess Claim Fee Payment Letter is submitted herewith to cover the cost of two (2) excess total claims.

Claims 1-22 are all the claims presently pending in the application. Claims 21-22 have been added to claim additional features of the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 5-6 and 18-20 stand rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over Junod et al. (U. S. Patcnt No. 5,854,621). Claims 8-9 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Junod in view of the alleged admitted prior art (AAPA) (Application at page 1, line 13-page 3, linc 13). Claims 2-4, 7 and 10-17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Junod in view of May (U. S. Patent Application Publication No. US2004/0066368).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as recited in claim 1) is directed to a controller for controlling a cursor, including an identifying module for identifying at least one of a first period when a cursor is in motion and a second period when the cursor is not in motion, and a calibrating module for calibrating an input parameter signal using a first hands-off test during the first period and a second hands-off test, different than the first hands-off test, during the second period.

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Conventional cursor control systems attempt to detect cursor drift (e.g., due to temperature or other environmental changes) and remove it from the significant signal. To do this, a hands-off period may be identified from the properties of the signal itself by setting a testing time for identifying the hands-off period to one compromise value. However, cursor drift continues to be a nuisance (Application at page 3, lines 4-12).

The claimed invention, on the other hand, includes a calibrating module for calibrating an input parameter signal using a first hands-off test during the first period and a second hands-off test, different than the first hands-off test, during the second period. This helps to allow the claimed invention to provide an improved control of cursor drift (Application at page 3, lines 17-21; page 9, line 20-page 10, line 9).

II. THE ALLEGED PRIOR ART REFERENCES

A. Junod

The Examiner alleges that Junod teaches the claimed invention of claims 1, 5-6 and 18-20. Applicant submits, however, that there are features of the claimed invention which are neither taught nor suggested by Junod.

Junod discloses a wireless mouse 10. When the mouse is being used, the opto-mechanical encoders 300, 310 are sampled at full speed, but after a period of nonuse, the mouse 10 enters a standby mode in which the encoders 300, 310 are sampled less frequently (Junod at col. 6, lines 37-65).

However, Junod does not teach or suggest "*a calibrating module for calibrating an input parameter signal using a first hands-off test during said first period and a second hands-off test, different than said first hands-off test, during said second period*", as recited, for example, in claim 1 and similarly recited in claims 10, 18 and 20. As noted above, this helps to allow the claimed invention to provide an improved control of cursor drift (Application at page 3, lines 17-21; page 9, line 20-page 10, line 9).

Clearly, these features are not taught or suggested by Junod. Indeed, the Examiner attempts to rely on col. 6, lines 37-65 in Junod to allege that Junod teaches calibrating an input

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parameter signal. However, the Examiner is clearly mistaken.

In fact, this passage in Junod has nothing to do with calibrating an input parameter signal. Instead, this passage simply deals with a method of saving power. Junod does not care about cursor drift. Junod only cares about conserving energy.

Thus, in this passage Junod is simply describing a manner of conserving energy in which after a period of nonuse, the mouse 10 enters a standby mode in which the encoders 300, 310 are sampled less frequently in order to save energy (Junod at col. 6, lines 37-65).

Further, although Junod discloses "calibrating" it has nothing to do with calibrating an input parameter signal. Instead, Junod simply discloses calibrating a "sleep timing" (e.g., how long a period of nonuse will cause the mouse to enter a sleep mode, etc.). This is completely unrelated to calibrating an input parameter signal.

Moreover, even assuming (arguendo) that Junod does somehow teach calibrating an input parameter signal, Junod clearly does not teach or suggest criteria for calibrating the signal which may be used in the claimed invention. That is, nowhere does Junod teach or suggest calibrating an input parameter signal using a first hands-off test during a first period (**when a cursor is in motion**) and a second hands-off test, different than the first hands-off test, during the second period (**when said cursor is not in motion**).

Further, it is important to point out that the Examiner attempts to equate detecting movement of a wireless mouse with identifying a period with a cursor in motion and a period when a cursor is not in motion. These are not necessarily the same thing. Indeed, an important aspect of the claimed invention is to improve control of cursor drift which is a situation where the cursor may move spontaneously (e.g., without a user applying a force to a pointing stick for controlling the cursor).

Therefore, Applicant respectfully submits that Junod clearly does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

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B. AAPA

The Examiner alleges that Junod would have been combined with the AAPA to form the invention of claims 8-9. Applicant submits, however, that these references would not have been combined and even if combined, the alleged combination would not teach or suggested each and every element of the claimed invention.

The AAPA discloses a conventional cursor control system which attempts to detect cursor drift (e.g., due to temperature or other environmental changes) and remove it from the significant signal. To do this, a hands-off period may be identified from the properties of the signal itself by setting a testing time for identifying the hands-off period to one compromise value. However, the AAPA teaches that **cursor drift continues to be a nuisance** (Application at page 3, lines 4-12).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that these references do not include any motivation or suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, Applicant submits that neither Junod, nor the AAPA, nor any alleged combination thereof, teaches or suggests "*a calibrating module for calibrating an input parameter signal using a first hands-off test during said first period and a second hands-off test, different than said first hands-off test, during said second period*", as recited, for example, in claim 1 and similarly recited in claims 10, 18 and 20. As noted above, this helps to allow the claimed invention to provide an improved control of cursor drift (Application at page 3, lines 17-21; page 9, line 20-page 10, line 9).

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Clearly, the AAPA does not teach or suggest this feature. Indeed, as noted above, the AAPA teaches setting a testing time for identifying the hands-off period to one compromise value (Application at page 3, lines 4-12). Nowhere does the AAPA teach or suggest calibrating an input parameter signal using a first hands-off test during the first period and a second hands-off test, different than the first hands-off test, during the second period.

Moreover, even assuming (arguendo) that the AAPA does somehow teach calibrating an input parameter signal, the AAPA clearly does not teach or suggest criteria for calibrating the signal which may be used in the claimed invention. That is, nowhere does the AAPA teach or suggest calibrating an input parameter signal using a first hands-off test during a first period (**when a cursor is in motion**) and a second hands-off test, different than the first hands-off test, during the second period (**when said cursor is not in motion**).

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

C. May

The Examiner alleges that Junod would have been combined with the AAPA and May to form the invention of claims 2-4, 7 and 10-17. Applicant submits, however, that these references would not have been combined and even if combined, the alleged combination would not teach or suggested each and every element of the claimed invention.

May discloses a computer mouse which detects motion of the mouse. The mouse includes a transceiver having an activity detector 29 which detects activity by monitoring a receive channel (May at [0021]-[0026]).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that these references do not include any motivation or

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suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, Applicant submits that neither Junod, nor the AAPA, nor May, nor any alleged combination thereof, teaches or suggests "*a calibrating module for calibrating an input parameter signal using a first hands-off test during said first period and a second hands-off test, different than said first hands-off test, during said second period*", as recited, for example, in claim 1 and similarly recited in claims 10, 18 and 20. As noted above, this helps to allow the claimed invention to provide an improved control of cursor drift (Application at page 3, lines 17-21; page 9, line 20-page 10, line 9).

Clearly, May does not teach or suggest this feature. Indeed, as noted above, May simply discloses a computer mouse which detects motion of the mouse. The mouse includes a transceiver having an activity detector 29 which detects activity by monitoring a receive channel (May at [0021]-[0026]). Nowhere does May teach or suggest calibrating an input parameter signal using a first hands-off test during the first period and a second hands-off test, different than the first hands-off test, during the second period.

Moreover, even assuming (arguendo) that May does somehow teach calibrating an input parameter signal, May clearly does not teach or suggest criteria for calibrating the signal which may be used in the claimed invention. That is, nowhere does May teach or suggest calibrating an input parameter signal using a first hands-off test during a first period (**when a cursor is in motion**) and a second hands-off test, different than the first hands-off test, during the second period (**when said cursor is not in motion**).

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

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III. FORMAL MATTERS AND CONCLUSION

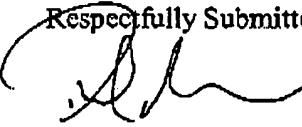
In view of the foregoing, Applicant submits that claims 1-22, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: 1/4/07

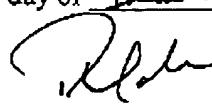


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Stephen G. Sherman, Group Art Unit # 2629 at fax number (571) 273-8300 this four day of January, 2007.



Phillip E. Miller
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